

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JESSICA ELAINE WOLFE	:	CIVIL ACTION
	:	
v.	:	
	:	
JEFFREY A. BEARD, et al.	:	NO. 10-2566

ORDER

AND NOW, this 14th day of February, 2011, upon consideration of the defendants' Motion to Dismiss Plaintiff's Amended Complaint (Docket No. 31), and the opposition and reply thereto, IT IS HEREBY ORDERED, for the reasons set forth in a memorandum of law bearing today's date, that the motion is GRANTED. IT IS FURTHER ORDERED that:

1. The plaintiff's Eighth Amendment Conditions of Confinement Claim against Andre Zimmer is DISMISSED.

2. The plaintiff's claims under the Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act of 2009, 18 U.S.C. § 249, are DISMISSED.

3. The plaintiff's claims under the Administrative Procedure Act and the "Model State Administrative Procedure Act" are DISMISSED.

4. Defendants Beard, Barnacle, Varner, DiGuglielmo,
Wenerowicz, Bender and Field REMAIN DISMISSED from this action.

BY THE COURT:

/s/ Mary A. McLaughlin
MARY A. McLAUGHLIN, J.